

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

June 4, 1964
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Palmer presiding.

Roll call:

Present: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Absent: None

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works; Robert A. Miles, Chief of Police

Invocation was delivered by REVEREND MAURICE GOLD, St. Martin's Lutheran Church.

MAYOR PALMER announced the pleasure of publicly recognizing those who have given unselfishly of their time, money, and talents for the betterment of the community, stating today particularly being honored was MR. ED KNEBEL who had contributed most generously of his time and money in the interest of youth and baseball. The Mayor enumerated the many ways in which Mr. Knebel had contributed not only to the very young boys, but to college students and soldiers. The Mayor on behalf of the members of the City Council presented to MR. ED KNEBEL an award from the NATIONAL RECREATION ASSOCIATION for providing outstanding contributions in the field of Recreation, particularly baseball. Mr. Knebel expressed his appreciation for this surprise honor.

The Director of Recreation introduced MR. BOB SHIPP, National Recreation Association, who presented a certificate of appreciation from the Board of the National Recreation Association. Present also were MR. FRANK D. QUINN, MRS. ALDEN DAVIS, MR. O. H. ELLIOTT, and MRS. DORA HERNANDEZ, members of the Parks and Recreation Board.

MAYOR PALMER announced the Council and people were familiar with the youth work of the Young Men's Business League in sponsoring the Sunshine Camp and Christmas Parties, and presented in behalf of the City Council the National Recreation Association Award to Mr. Graham Wilson, President of the Y.M.B.L. for its sponsorship of the Sunshine Camp. Mr. Wilson expressed appreciation and pride of this award to the Young Men's Business League.

MAYOR PALMER announced Austin was especially honored by the visit of quite a few dignitaries from Turkey. MR. ROBERT PHINNEY introduced MR. MUBIN MEHMET BASAR who introduced the tax officials from Turkey. The Mayor presented each with a Certificate of Honorary Citizenship. MR. BASAR expressed delight for their two weeks in Austin, and would like to stay longer to tell the Council all about the nice things it had done for this City.

Councilman White moved that the Minutes of the Meetings of May 21, 1964 and May 28, 1964, be approved. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

The Mayor brought up the following zoning applications deferred from last week:

JOE GILBRETH	117 Lightsey Road	From "A" Residence To "C" Commercial NOT Recommended by the Planning Commission RECOMMENDED "IR" Local Retail
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Councilman Long moved that the change to "IR" Local Retail be granted. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

The Mayor announced that the change had been granted to "IR" Local Retail and the City Attorney was instructed to draw the necessary ordinance to cover.

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ROBERT H. BOWMAN	2201-2203 Hancock Dr. 5006-5012 Lynnwood St.	From "A" Residence To "C" Commercial NOT Recommended by the Planning Commission RECOMMENDED "GR" General Retail
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Councilman Long moved that the change to "GR" General Retail be granted. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

The Mayor announced that the change had been granted to "GR" General Retail and the City Attorney was instructed to draw the necessary ordinance to cover.

Mayor Palmer brought up the following ordinance for its second reading:

AN ORDINANCE AMENDING CHAPTER 34 OF THE AUSTIN CITY CODE OF 1954 BY ADDING THERETO SEC. 34.9 MAKING IT UNLAWFUL TO WILLFULLY SWIM, BATHE, WADE OR GO INTO THE WATERS OF THE COLORADO RIVER FROM TOM MILLER DAM DOWNSTREAM TO THE EAST SIDE OF OLD MONTOPOLIS BRIDGE WITH CERTAIN EXCEPTIONS; PROVIDING FOR A SEPARABILITY CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the second time and Councilman Shanks moved that the ordinance be passed to its third reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, Mayor Palmer
Noes: Councilmen Long, White

Councilman Long stated she would wait until it is amended and maybe she would not even vote for it then.

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, after an engineering and traffic investigation, the City Council has found that traffic conditions at the location and street below designated are such that an urgent need for enforcement of strict limits upon the time of parking of vehicles at this location upon this street makes it advisable to use mechanical devices in such enforcement, and has found that such location should be placed in the following Parking Meter Zone:

<u>ZONE</u>	<u>STREET</u>	<u>BLOCK</u>	<u>SIDE</u>
120	Lavaca	From 14th Street to 19th Street	East and West

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the location upon the street of the City of Austin as above described be and the same is hereby placed in Parking Meter Zone 120, and that the City Clerk be, and she is hereby authorized and instructed to record this finding in Section 33.43 of the Traffic Register.

The motion, seconded by Councilman Shanks, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Mayor Palmer introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS,

THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:30 O'CLOCK A.M. ON THE 18TH DAY OF JUNE, 1964, IN THE COUNCIL CHAMBER OF THE CITY HALL OF AUSTIN, TEXAS, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE. (Canterbury Street and sundry other streets)

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer brought up the following ordinance for its third reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 41.83 ACRES OF LAND, SAME BEING OUT OF AND A PART OF

THE GEORGE W. DAVIS SURVEY, IN TRAVIS COUNTY, TEXAS;
WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND
ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF
AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.
(Ianier Terrace, Section 3, and unplatted areas)

The ordinance was read the third time and Councilman LaRue moved that the ordinance be finally passed. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN
BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXA-
TION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF
11.18 ACRES OF LAND, SAME BEING OUT OF AND A PART OF
THE ISAAC DECKER LEAGUE IN TRAVIS COUNTY, TEXAS; WHICH
SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS
THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN
PARTICULARS STATED IN THE ORDINANCE. (Greenwood Hills,
Section 2)

Councilman LaRue moved that the ordinance be published in accordance with Article 1, Section 6 of the Charter of the City of Austin, and set for public hearing at 10:15 A.M., June 18, 1964. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Mayor Palmer introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN
BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXA-
TION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF
0.80 OF ONE ACRE OF LAND, SAME BEING OUT OF AND A PART
OF THE J. C. TANNEHILL LEAGUE IN TRAVIS COUNTY, TEXAS;
WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND
ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF
AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.
(R. L. Wormley Subdivision)

Councilman LaRue moved that the ordinance be published in accordance with Article 1, Section 6 of the Charter of the City of Austin, and set for public hearing at 10:15 A.M., June 18, 1964. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, an easement for public utility purposes was granted the City of Austin, in, upon and across two (2) strips of land; the strip of land hereinafter described as Number 1 being six (6) feet in width and out of and a part of Lot 3-A; the strip of land hereinafter described as Number 2 being four (4) feet in width and out of and a part of Lot 2-A; both of the above described strips of land being out of and a part of the Resubdivision of Lots 2, 3 and 4, Block C, South Lund South and Resubdivision of Lot 5-A of the Resubdivision of Lots 5 and 6, Block C, South Lund South, said South Lund South being a subdivision of a portion of the Isaac Decker League in the City of Austin, Travis County, Texas, according to a map or plat of said South Lund South of record in Book 8 at page 170 of the Plat Records of Travis County, Texas; a map or plat of said Resubdivision of Lots 2, 3 and 4, Block C, South Lund South and Resubdivision of Lot 5-A of the Resubdivision of Lots 5 and 6, Block C, South Lund South being of record in Book 14 at page 43 of the Plat Records of Travis County, Texas; and,

WHEREAS, the owner of said premises has requested the City Council of the City of Austin to release the above described public utility easement; and,

WHEREAS, the City Council has determined that said easement in, upon and across the above described property is not now needed and will not be required in the future; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. T. Williams, Jr., City Manager, be and he is hereby authorized and directed to execute a release of the following described easement for public utility purposes, to-wit:

Two (2) strips of land, the strip of land hereinafter described as Number 1 being six (6.00) feet in width and out of and a part of Lot 3-A, resubdivision of Lots 2, 3 and 4, Block C South Lund South and resubdivision of Lot 5-A of the resubdivision of Lots 5 and 6, Block C, South Lund South, and the strip of land hereinafter described as Number 2 being four (4.00) feet in width and out of and a part of Lot 2-A, resubdivision of Lots 2, 3 and 4, Block C, South Lund South and resubdivision of Lot 5-A of the resubdivision of Lots 5 and 6, Block C, South Lund South, said South Lund South being a subdivision of a portion of the Isaac Decker League in the City of Austin, Travis County, Texas, according to a map or plat of said South Lund South of record in Book 8 at page 170 of the Plat Records of Travis County, Texas; a map or plat of said resubdivision of Lots 2, 3 and 4, Block C, South Lund South and resubdivision of Lot 5-A of the resubdivision of Lots 5 and 6, Block C, South Lund South being of record in Book 14 at page 43 of the Plat Records of Travis County, Texas; each of the said two (2) strips of land being more particularly described as follows:

NUMBER 1 BEING all of the east six (6.00) feet of the south 110.00 feet of said Lot 3-A;

NUMBER 2 BEING all of the west four (4.00) feet of the south 110.00 feet of said Lot 2-A.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, an easement, five (5.00) feet in width, was retained by the City for public utility and drainage purposes, in an instrument vacating that certain alley that traverses Block 8, Walsh Place, a subdivision of a portion of the Daniel J. Gilbert Survey in the City of Austin, Travis County, Texas, according to a map or plat of said Walsh Place of record in Book 3 at Page 26 of the Plat Records of Travis County, Texas, said instrument of record in Volume 867 at Page 104 of the Deed Records of Travis County, Texas; and,

WHEREAS, the owner of above described property has requested the City Council of the City of Austin to release the hereinafter described easement for public utility and drainage purposes; and,

WHEREAS, the City Council has determined that the hereinafter described easement is not now needed and will not be required in the future; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager of the City of Austin be, and he is hereby authorized to execute a release of the following described public utility and drainage easement, to wit:

A strip of land five (5.00) feet in width, same being out of and a part of that certain public utility and drainage easement which was retained in an instrument vacating that certain alley that traverses Block 8, Walsh Place, a subdivision of a portion of the Daniel J. Gilbert Survey in the City of Austin, Travis County, Texas, according to a map or plat of said Walsh Place of record in Book 3 at Page 26 of the Plat Records of Travis County, Texas, which strip of land five (5.00) feet in width was retained by the City for utility and drainage purposes in said instrument of record in Volume 867 at Page 104, of the Deed Records of Travis County, Texas; the centerline of said strip of land five (5.00) feet in width being more particularly described as follows:

BEGINNING at a point in the southerly prolongation of the east line of Lot 10, Block 8, same being the southerly prolongation of the west line of Lot 11, Block 8, said Walsh Place, which point is also in a line 2.50 feet south of and parallel to the south lines of said Lot 10, Block 8, and Lot 9, Block 8, said Walsh Place, and from which point of beginning the northeast corner of said Lot 10, Block 8, same being the northwest corner of said Lot 11, Block 8, bears in a northeasterly direction 130.50 feet;

THENCE, with said line 2.50 feet south of and parallel to the south lines of said Lots 10 and 9, Block 8, in a northwesterly direction 78.00 feet to point

of termination.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Mayor Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: (A) A 1.37 ACRE TRACT OF LAND, LOCALLY KNOWN AS 7021-7039 U. S. HIGHWAY 290 AND (B) A 1-ACRE TRACT OF LAND, LOCALLY KNOWN AS 7041-7109 U. S. HIGHWAY 290, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; SAID PROPERTY BEING SITUATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Shanks moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman Shanks moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the third time and Councilman Shanks moved that the ordinance be finally passed. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

The City Manager explained the renewal and extension contract with Bergstrom Field for electric service, stating it involved a point of delivery, size of transformers, amount of voltages, etc., and the capacity the City would make available. Councilman Long inquired about the rates. The City Manager explained the rates would be the same as are charged other like customers, and Bergstrom Field is under the commercial rate. The contract also provides that the City keep Bergstrom Field posted concerning the electrical rates and that Bergstrom Field would pay the same rate other customers would pay. The City Manager pointed out this contract had been held up due to a provision which provided any dispute that might arise with the Federal Government on rates would be finally decided by the Secretary of the Air Force or Defense. The City had no chance of being heard in Court. This provision now has been taken out, and Bergstrom has agreed to continue the same provision which was in the contract in 1940 on rates. After

explanation and discussion, Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. T. Williams, Jr., City Manager, be and he is hereby authorized and directed to execute that certain contract to be entered into as of June 1, 1964 between the City of Austin and the United States of America for the sale of electric service to Bergstrom Air Force Base, pursuant to contract designated No. AF 41(687)-1551 and to execute those three certain supplemental agreements terminating service as of midnight May 31, 1964 pursuant to those three certain contracts designated No. AF 41(602)-68; No. AF 41(602)-82; and No. AF 41(687)-479.

The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

The City Manager asked that the Council postpone awarding the contract for four network transformers to the low bidder at \$29,840.00 with a 34 week delivery, and made a report on the situation, stating the custom of the industry had indicated delivery in eight, ten or twelve weeks. Four transformers are needed for the new Federal Building in time to begin service in August. No requirement was included in the specifications that the transformer be delivered in a certain time, and only the delivery date was requested. The Williamson Distributing Company cannot deliver before February, and the Post Office expects to be moved in before then. Because of the critical time element, he stated telegraphic quotations on eight weeks' delivery were requested and several companies responded, but some did not provide for eight weeks' delivery. Those quoting 14 weeks and 22 weeks, etc., are not included in the new tabulations, which he distributed. The City Manager stated three bid on an eight week delivery. He stated it was necessary to move on with the purchase of four of these units for the Federal Building; but he recommended that these others be held up, as additional transformers will be needed around the first of the year, and his recommendation was that the City proceed with the purchase of these transformers not for the Federal Building, but for the four that will be needed around the first of the year for a large apartment house. In this particular case, he recommended that if a schedule of delivery could be set up stating when transformers of this size would be needed during the period of a year, a better price might be obtained, even under that submitted by the Williamson Distribution Company. He recommended now that either action be postponed on the first recommendation made, or that bids be rejected on that quotation, and the low bidder on the second set of bids be accepted. Councilman Shanks inquired about the possibility of negotiating. The City Manager stated this could be done in an emergency purchase proposition. Councilman Shanks stated this was an emergency proposition. The City Attorney stated another reason that would justify negotiations would be these bids may be regarded as identical. The difference is only \$1.00 a transformer. Councilman Long asked how these bids compared in 1955. The City Manager stated they were \$1,500 higher than they were a year ago. She said she would like to know what they were in 1955. Councilman White inquired about the recommendation now. The City Manager stated they recommended the low bidder because he was \$4.00 low; and said it had been pointed out these could be treated as identical bids. Councilman Shanks moved that in view of the emergency, that the City Manager be instructed to negotiate for the purchase of these transformers. The motion, seconded by Councilman LaRue, carried by the following

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Councilman Long made the following statement concerning her vote:

"I would like a report back on what we came out with, and that she was going to send this to Attorney General ROBERT KENNEDY".

Councilman Long moved that these bids be sent to the Attorney General of Texas for review. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Council had before it the proposed amendment to the House Moving Ordinance. The City Attorney read and explained the amendment. There was a 10 day limit on the moving time. The Mayor inquired if it were the feeling of the Council that if there were a house and garage, or garage apartment, there would be only one inspection fee as long as they are moved to one lot of record within the time period. The City Attorney stated there were no comments from the house movers, about the 10 days time, except a favorable remark; or on the "lot of record". After discussion, Councilman Long moved that the time limit be made 20 days instead of 10. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Mayor Palmer introduced the amended ordinance as follows:

AN ORDINANCE AMENDING SECTION 29.9 OF CHAPTER 29 OF
THE AUSTIN CITY CODE OF 1954 PERTAINING TO PERMIT
FEES FOR MOVING HOUSES AND BUILDINGS; AND DECLARING
AN EMERGENCY.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

The Council had a letter from MR. BOB ARMSTRONG asking permission to erect a fire proof tent 60'x 180' for ten days for the purpose of their automobile sales. The letter stated the matter had been discussed with the Fire Marshal who said he saw no reason why the request should not be granted by the Council. The matter was discussed by the City Attorney and City Manager. Later in the afternoon meeting, Councilman Long moved that special permission be granted for the erection of this tent for no longer than ten days, and that the City Manager be instructed to have the Fire Marshal to inspect it daily. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Councilman Long reported a call she had received from a bus rider who stated last week the Transit Company handed out notices on the Speedway bus line that they were discontinuing the Speedway service after 7:00 P.M. and on Sundays and holidays. Councilman Long inquired if this change could be made without the Company's coming before the Council with a request, and stated there would be a wide area without bus service at that time. Councilman White stated Mr. Malone had disuccssed this with him several times, telling him these runs were not doing too good and had not been for the last few months. Councilman LaRue stated the Company would be required to furnish adequate transportation, and the question would be what is and what is not adequate transportation. Councilman Shanks asked if the Bus Company could discontinue their route and change them without bringing it before the Council. The City Attorney said they could not materially alter the quality of service without Council permission. Whether this would be a material change in the quality of service they are rendering is something he could not answer. Councilman Long stated she would like to know why they are doing this and that they show cause why they are limiting their service. The City Manager stated they would be required to give service in keeping with the demand. The Mayor recalled on several occasions when the Bus Company discontinued a certain route, they would always come in and present it to the Council. He asked also about the St. Elmo Overpass and inquired if bus service had begun in that area. He suggested that the Company might also give a report on this new service. After discussion, Councilman Long moved that the Bus Company be requested to come in and give a report on why they are shrinking the service on the Speedway Bus, and give a report on the St. Elmo Overpass service. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

MR. TOM PERKINS and MR. WARREN BEAMAN were before the Council regarding amendments to their lease on the Stroborg Tract for the Aquatic Gardens Project. Mr. Perkins reviewed the problems of their assumption of the boundary line location, which was not correct, and their having to relocate the building, bridges and other physical facilities. They had requested the use of street right of way that was not being used on Bogle, Anthony and Canadian Streets. In the

original lease they had the use of Lots 7 and 8 between Bergman and Bogle Avenue. In reviewing this lease, they had found additional lots had been purchased in this area for right of way of the roadway, and they had discussed the possibility of some of this property might be used for their project in order for them to locate their building so that they would be out of the way of the new utilities that would be in the abandonment of Bogle Avenue; and at the same time not putting any facilities on Lots 7 and 8, but moving the facilities over with the understanding anytime this had to be vacated, they would vacate that property and take down their facilities if they could get the other area. Basically this was their request, and it had been checked out for utilities and easements; and the Director of Public Works had reviewed this and found there would be no future use of these streets for future right of way because of their proximity to the lagoon, part of which is actually on the street right of way. The same thing is true on Canadian. Councilman Long asked if the Town Lake Committee had reviewed these plans and the revised plans. The Assistant City Manager stated they had reviewed the original agreement. The City Manager stated the only criticism of the Town Lake Committee was there was too much use being made on the land between the lagoon and the Town Lake. This plan would better suit the Committee than the original plan--as there was too much intensive use being made of the area between the lagoon and the lake. Councilman Long said there was quite a bit of concern in the Parks and Recreation Board concerning the overall plan, and as to how some of it is to be activated, the financial responsibility, and what kind of contract there will be to assure that the City is not leasing a piece of property for many, many years without any real use. The Assistant City Manager stated it was recommended that the southern half of Bogle Avenue be vacated at a point on Lynn Street over to the two lots that are now in the present lease; and from that point on, Bogle Avenue be vacated where the City owns all of those lots. Anthony Street has never been opened on the ground. Mayor Palmer inquired about the outfall line in Bogle Avenue. The Assistant City Manager stated it came down Bogle Avenue and goes up Anthony Street; and because of the conflict of the easement of the outfall lines, Mr. Perkins and Mr. Beaman preferred to include this additional area in the lease and to locate their structure elsewhere where there would be no conflict. The utility easement would not be vacated. Mr. Perkins stated this could be maintained as a green belt. The Assistant City Manager pointed out on the map Canadian Street which had never been opened on the ground, and showed the water line over most of the street. He said the City Attorney recommended the formal vacation of this street. He pointed out the city owned property which would be developed into possibly a large park or public area and the two accesses into this tract adjoining this leased area. Councilman Long inquired about the sand beach area. Mr. Perkins said it would be beautified and open to the public. Councilman LaRue stated the lease did not encompass that area. Mr. Perkins said they had permission to beautify it and use it for parking but it was open to the public. The City Attorney stated this area was to be maintained for public use and it could not be restricted for use of the public. It was pointed out the improvements would have to be approved by the City Council before they were put in. The Assistant City Manager summarized the request, principally the vacation of the triangle, vacation of one half of Bogle Avenue up to a stated point, and vacation of all of Bogle Avenue, Anthony Street and Canadian Street, as shown on the plat. There are seven lots being added to the lease. Mr. Perkins stated by being able to develop more formal garden areas on the land, the entire project could be made more attractive and it would bring in more revenues in which the City shares, and this would be an increase to the revenues of the City. The City Attorney reviewed the terms of the present contract, and distributed copies to each member of the Council. The Mayor stated ultimately, there probably would be \$250,000 invested in this tract of land; and with the tourists and tourism program, this

would be a compatible and related use to the overall Town Lake Development. Mr. Perkins reviewed their proposed operation as to being similar to that of the Sunken Gardens of Florida, the area would be planted with colorful blooming plants, there would be aquatic shows, diving exhibitions; and there would be a concession building and administration building. Councilman Long stated she wanted to postpone action on this a week to study the contract, and to see some of this on the ground. The Mayor asked if Mr. Perkins and Mr. Beaman could arrange a time to show Councilman LaRue and Councilman Long this area on the ground and explain the development. The Mayor asked the Council Members, subject to their checking the contract, if they say any objections to these other considerations since they were all cleared through the departments. Councilman Long stated she saw no objection to vacating those streets since that had been recommended. Action was deferred until after Councilman LaRue and Councilman Long had met with Mr. Perkins and Mr. Beaman and had made an on-site inspection of this area in line with the plans.

MAYOR PALMER stated there had been certain releases since last week in connection with the Human Relations Commission, and he had made a public statement as well as Councilman Long. He suggested having an official statement from the Council of the feeling of the majority of the Council. The Council did have a Commission appointed, and they were in existence until Friday. There is still an Ordinance calling for a Commission, and one member has indicated that he would like to know the feeling of the Council. He has not resigned; he is still a member of this Commission; and so that he may know the wishes of the Council, the Council should reaffirm their confidence and faith in MR. VIRGIL LOTT who is the remaining member of the Commission, so he will know whether he is being requested to serve or not. Councilman Long suggested that the Council go back into Executive Session and try to work out a Commission as a whole that all could agree upon, rather than just affirm one member. Mayor Palmer stated Mr. Lott had been appointed and voted on by the majority of the Council, and he is a present member. Councilman LaRue stated Mr. Lott would like to serve as a member. Councilman LaRue moved that a vote of confidence be given MR. VIRGIL LOTT and request that he continue to serve as a nucleus of the new Commission. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, Mayor Palmer

Noes: Councilman Long

Not in Council Room when roll was called: Councilman White

Councilman Long made the following statement:

"In the first place, I think this is rather ridiculous to vote for one man, because you cannot run a Human Relations Commission with one man. I think you have to have seven men to operate this Commission; and until we go back into Executive Session and try to get seven men that we can all agree on or that a majority can agree upon, that will serve, I certainly am not going to vote any kind of a vote on just one man, whether it be a vote of confidence or whether it be a piece meal vote on the Commission. I cannot understand why you have to vote him in when you and a majority have already voted him in. I vote 'no' until we can get a full Commission that will serve so that we can have a balanced Commission."

Mayor Palmer stated Mr. Lott was appointed by a majority of the Council, and this vote is to let him know the feeling of the Council.

Councilman Long moved that the City Council go back into Executive Session and try to appoint a Commission that they could agree upon and work this thing out like sensible people. The motion lost for lack of a second.

Mayor Palmer stated the latest report from the National Congress is that some type of Civil Rights Bill will come out of the Congress no later than July 1st. He said it had been his feeling for several months that a Commission should be appointed that would mesh with the provisions of whatever law comes out of the National Congress; and if it is the feeling of the majority of the Council that the appointments of a Commission be withheld in light of perhaps an early passage of a Federal Civil Rights Bill, that the Council wait until the Bill is passed until they go into Executive Session, in considering new appointments to this Commission.

Councilman Shanks stated he had never heard so many fine compliments about a Commission as that one the Council appointed. The City felt the Council had met their responsibility in appointing a Commission, a "balanced" Commission. They were unable to understand how the Council could get seven such men to serve. He stated these men resigned because they were torpedoed out, and he expressed hope that the next Commission appointed, would do as good or as nearly as good as the Commission originally appointed.

Mayor Palmer stated in all kindness and all sincerity, that in his judgment in the field of human relations there is only one point of view and this is justice. There are areas of disagreement of how justice can be administered. He stated, personally he did not feel the Commission as appointed by the majority of the Council was afforded justice to let them operate and try to see just what they could do. He said it is so important that additional doors be opened; and in the feeling of the majority of the Council to accomplish this purpose, they had as strong a Commission as possibly could have been named. When talking about "balance", he said he did not know how to define balance--liberalism against conservatism, or what. All seven of these people were very well balanced and all seven could work together good as a Commission. When such a serious, important problem exists as far as the community is concerned, these labels should be forgotten, and men selected who would accomplish the purpose for which the Commission was intended. Mayor Palmer expressed regrets that it worked out as it did. There were members on the Commission who were on the School Board at the time the schools were integrated; there were members who were putting integration into practice in their own firms and organizations and there were men who were progressive in their thinking. He said it would be very difficult now to appoint a Commission that would perhaps render the service to the Community that this Commission could have done. He stated it was his sincere hope that if the Council appoints a Commission that is supposed to mediate and negotiate and bring people together that the Council would be unanimous. Two-thirds of the Council did vote to set up a Commission; and he stated they did come up with a very good Commission. He said he sincerely hoped the next Commission that was appointed, the Council, in itself, can be better united in the selection of the people who will form the Commission. It is a bad situation when a Commission is appointed to negotiate and mediate problems, and the Council is divided. Councilman Long stated it was terrible when a Commission is appointed that is not

going to do what it was set out to do. Because of the make-up of the Commission, it has failed in the beginning. The Mayor asked if she thought this Commission could not have accomplished the purpose for which it was intended. Councilman Long stated she did not think so, because she thought there would have been demonstrations, in the beginning. Councilman Shanks suggested that each of the Council hope and pray that the next time the Council sits down to appoint this Commission that they eliminate politics, as he hated to see politics enter into the appointment of any Commission, but particularly this one dealing with human beings, and the rights of human beings. He stated there were some political angles that broke the Commission up. Councilman Long stated he was wrong, as there were no politics in what she was voting for. She wanted to keep Austin in its very happy relations with all of the people, and that was the reason she felt this Commission would not do it, and that she felt there would be demonstrations following the appointment of this Commission. She said if this were such a fine Commission, that just one vote of the Council should not have been the reason for these people to resign. She said she could not understand why very strong good men could not serve just because she did not go along with it. Everyone of them are very fine men, and a combination of those men would have been fine. She said there was no confusion about what she was talking about when she mentioned "balance". She did not want to make any statements, and made the one as mild as she could so there would be no prejudice.

Councilman LaRue said it was obvious shortly after getting into this matter that this was not the ordinary type of Commission that the Council was appointing, and the ordinary rules should not be used as in the past in appointing this Commission. This had to be a Committee with such strength and of the same type of caliber of people with whom they were going to sit down and discuss. The Commission had one specific and one primary objective, and that was to "open doors". This was not a group of people that was going to represent different aspects of the Community, such as economic, racial, religious, or political, or anything else. They were appointed to do a job. It was on that basis the Commission was picked, and he said he did not think if the Council worked on this for another six months that they would get a Commission comparable to this Commission. This was the strongest Commission this Council ever appointed. He stated he hoped when the time comes, that the Council would come up with another Commission comparable to this one. There were three weeks of hard work, interviewing over and over again many people, recommended by other people and also by volunteers. He said there was a terrific job to do, and he would not want to tie this down to the passage of a bill through the House of Congress, but to a great extent it is tied to that. If for some unforeseen reason, that might be held up longer than anticipated, he did not believe he would want to tie it down to that exact one point. Councilman Shanks moved that the Council defer action on selection of a Human Relations Commission or filling out the Human Relations Commission for the time being. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, Mayor Palmer

Noes: Councilman Long

Not in Council Room when roll was called: Councilman White

Councilman Long made the following statement:

"I think this matter is very important, and I do not think we can wait and wait. 'No'."

The Mayor announced that there were some other appointments to be made. (Building Code Appeals Board and seventh member of the Building Standards Commission).

The Council recessed until 2:30 P.M.

RECESSED MEETING

2:30 P.M.

At 2:30 P.M. the Council resumed its business.

Mayor Palmer read a letter from MRS. EMABEL EBY concerning the Sludge Disposal Plant No. 2, expressing concern over the present plans, particularly the location of an approach to the storage tank, the heavy truck traffic, the effect this would have on the value of their acreage, and the scenic drive; and asked the Council to take a long range view of this problem which can be a constant unsightly hazzard through the years if hurriedly approved now without further study. The City Manager explained this was on city owned property acquired for this purpose and when the land was purchased for the Water Plant, access was given the Ebys. Councilman Long inquired if the Planning Commission had seen this plan. The City Manager stated the Planning Commission passed on the question of whether or not the site was suitable for this general purpose, and that was done years ago. Councilman Long stated one suggestion would be to make this a rock construction instead of cement and it would blend in more readily in the area. The City Manager described the location, and showed the entrance into the area. The Council wanted to make an on-site inspection of the area.

Councilman Long read a letter from MR. JOHN M. LOVING, 3904 Avenue D, concerning the wisdom of reported plans of the Council to transfer funds from the police payroll to a fund for the promotion of tourism, and to protest. He pointed out percentages of increase in the crime rate and the shortage of the force at the end of 1963. He reported it took 25 minutes to place a patrolman on the scene to investigate a prowler in far northeast Austin. He pointed out if the tourism drive were successful, not all the visitors would be desirable; and even the finest tourists need advice and assistance when visiting a strange town; that if had been experienced by cities in which the tourist industry had increased that undesirable opportunists, promoters and law-breakers of all types followed the industry. Although he stated he was not opposed to the promotion of tourism, he believed the efforts to develop tourism would be unsuccessful and unprofitable if pursued at the expense of local law enforcement. His contention was that unless radical improvements were made in the support given to the Police Department, crime would be the major industry two years hence instead of tourism. The Mayor asked that this letter be filed with the City Clerk and the Council would take the matter under consideration.

Councilman Long read a letter from MRS. JAMES BARGSLEY, 1201 Peidmont, recommending that something be done about St. Johns, Grover Avenue and Reese Avenue, where they intersect. She reported there were many wrecks at this intersection and asked that stop signs, or yield signs, or four-way stop signs be erected. Councilman Long moved that this request be referred to the City Manager for investigation. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

After discussion, Councilman Long moved that the City Manager be instructed to bring in an amendment to the Ordinance controlling chickens and domestic pigeons limiting the number of chickens that any one person may have in the city limits to one half of a dozen, and outlawing the raising of domestic pigeons, and that this be done in the very near future. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The City Manager reported three Assistant City Attorneys had left or were leaving the City. MR. ED CAZARES resigned February 15, 1964, to go to Houston as Assistant City Attorney; MR. PAUL JONES is leaving today, going into private practice; and MR. TOM HUNTER is moving to Waco as City Attorney.

The Assistant City Manager read a letter regarding the relocating of the University Commencement Exercises from the University Mall to the Auditorium on short notice and the efficiency of getting the Auditorium in readiness for this ceremony. MR. FRANCIS VICKERS, Manager of the Auditorium, expressed his feelings of pride and deep appreciation for being blessed with people to work with as this group of men who put in 18 hours of continuous service to have the building ready at a moment's notice. Mayor Palmer stated DR. HARRY RANSOM, DR. HACKERMAN and the Chairman of the Board of Regents were discussing this rapid change of plans, and Dr. Ransom was very complimentary of the crew at the Auditorium and commended the fine job they had done. Mayor Palmer said those men who put in those extra hours in order to see that this event was a successful one should be commended. Councilman LaRue moved that MR. VICKERS, Manager of the Auditorium, and all the employees at the Auditorium be commended in the manner in which they handled the emergency caused by the moving of the Commencement Ceremony from the Mall to the City Auditorium. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Especially mentioned were:

GERALD HOUGHTON	SAM SIBLEY	BILLY SOLOMON
LARRY MELLEBRUCH	WILLIE WALKER	JAMES PRIMUS
RALPH WRIGHT	WILLIAM FOX	RAY MIDDLETON
ERNEST MCCARVER	RAYMOND DARITY	CLOIS GREEN

The City Manager submitted a report from the Traffic and Transportation Department regarding the intersection of Denson and Guadalupe Streets. After reviewing the number of collisions that had occurred there, it was concluded that the traffic count is not such that warrants any additional traffic controls; but it was observed that the things that have been causing the accidents are the visibility obstructions at the north east corner, and they will be making some effort to get that corrected. There are "yield right of way signs" there at the

present time. Councilman Long inquired when the traffic count was taken, as Denson Drive has been opened and people were rerouting themselves. The Traffic Engineer had indicated the trouble was vegetation, and they will make an effort to get it removed. The City Manager stated these obstructions to visibility create more problems than lack of traffic controls. Councilman Long stated she was not sure cutting down a little shrubbery would work. The City Manager stated there was an ordinance giving the City the power to remove the shrubbery. He stated one of the matters which Mr. Klapproth had included in his memorandum points out that persuasion does not seem to be too successful. Finally, after discussion, Councilman Shanks moved that the City Manager be instructed to see that the Ordinance covering vegetation on corners be enforced rigidly. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The City Attorney stated the cases that were the most troublesome were not on city property. He explained what the ordinance provided concerning the shrubbery, stating the ordinance covered the portion of the corner of any lot included in a triangular line 20' from each corner. If this ordinance is rigidly enforced, this is going to cover lots of shrubbery. It does not have to be eliminated, but cannot be in excess of three feet in height.

The City Attorney stated last week the Council authorized the City Manager to negotiate for the Silberstein property. He stated there was now a signed contract for the City Manager to execute for the payment of \$91,500. Councilman LaRue moved that the City Manager be authorized to purchase the property at that price. (Parts of Lots 5 and 6, Block 142, Original City; Lot 4, Block 143, Parts of Lots 5 and 6, Block 144; Part of Lot 2, Block 164; and Part of Lot 6, Block 164.) The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Councilman Long inquired if this expenditure for this property would hold up the plans of getting an Architect and going forward? The City Manager stated it would not, as when the Architect is selected a contract could be worked out with him; and the City Manager explained the financing. Councilman LaRue stated he had talked to several architects, and the cost could be limited to a certain amount before the Bond issue election.

Councilman Long moved that MR. BOW WILLIAMS be heard. The motion was seconded by Councilman LaRue. Roll call showed a unanimous vote.

MR. BOW WILLIAMS reported conditions on two streets that need attention:

- (1) On the northwest corner of WINSTED LANE and 12TH STREET there is a little corner there that needs to be fixed. 12th Street had just been paved and there is more traffic.
- (2) On the northwest corner of WEST LYNN and ENFIELD ROAD, there is a pipe in Enfield Road. It is flat on the ground and it is necessary to dodge it. It is just a small pipe.

Mr. Bow Williams apologized for making complaints of the small matters. The City Manager stated if they were not reported, there might be delays in getting them corrected. The Mayor expressed appreciation to Mr. Bow Williams for reporting these two locations.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AMENDING SECTIONS 21.1 AND 21.5 OF CHAPTER 21 OF THE AUSTIN CITY CODE OF 1954 PERTAINING TO AIR GUNS AND FIREARMS; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilman LaRue moved that MR. LEO LEWIS be heard. The motion was seconded by Councilman Long. Roll call showed a unanimous vote.

MR. LEO LEWIS pointed out that about 67 young people drove off Ben White Boulevard at about 100 miles an hour, then they get into this 30 mile zone on Woodward. It is so dangerous the Police Department keeps a car where they catch speeders. There should be a 30 mile speed limit sign erected. MR. LEWIS also pointed out within the five mile area around the city limits, on the big thoroughfares and highways, people are buying up property and making junk yards out of it. The City Attorney stated he would be glad to discuss the matter with Mr. Lewis. The Mayor thanked him for coming up.

There being no further business Councilman White moved that the Council adjourn. The motion, seconded by Councilman Shanks, carried by the following

vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Council adjourned at 3:40 P.M. subject to the call of the Mayor.

APPROVED

L. E. Palmer
Mayor

ATTEST:

Elin H. Hootley
City Clerk